IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.
CHAMBER SUMMONS NO. 540 OF 2004
IN
TESTAMENTARY SUIT NO. 97 OF 1999
IN
TESTAMENTARY PETITION NO. 962 OF 1997

Mohammed Basheerulla .....Petitioner/plffs.
vs.
Jameel Ahmed Hussain ....Defnds/Resp.
AMD
Mrs. Saoed Unnisa Begum .....Applicants

S. Bangur i/b. Meghraj and Associates for the applicants.

Mr. Navin Parikh with Ms. H. Patel for defendant no.1/2.

CORAM: S.U. KAMDAR, J.

DATE : 10TH JUNE, 2005.

P.C. :

1. The present chamber summons is taken out by the applicant to bring themselves on record as legal heirs and representatives of the deceased petitioner/plaintiff. An identical application for identical relief was made by way of Chamber Summons No. 997 of 2001 and by order dated 26.6.2002 this court held that the applicant is

taking out frivolous proceedings to harass the respondents herein. The court also imposed a cost of Rs.25,000/- and the learned counsel appearing in the matter at that time withdrew the said Chamber Summons No. 997 of 2001. The cost imposed of sum of Rs.25,000/- under the order dated 26.6.2001 has not been paid. Inspite of the aforesaid position. The present chamber summons is taken out for identical reliefs. Mr. Parekh learned counsel appearing for respondent nos.1 and 2 has drawn my attention that the applicants/plaintiffs are not only filing frivolous application in this court but has also instituted large number of litigations in various other courts and that the present application is taken out inspite of fully knowing the fact that by an order dated 26.6.2005 the said Chamber Summons No. 197 of 2001 was dismissed. On perusal of the record I am prima-facie satisfied that the present chamber summons is totally frivolous and an abuse of process of law. The applicant in the present case is involved in instituting proceedings one after another in the

present court and has also taken out similar proceedings in other courts. Thus it is clear that the applicants are interfering with the administration of justice and indulging in abuse of process of court.

2. In view thereof I dismiss the present Chamber Summons and impose a cost of Rs.1,00,000/- for initiating frivolous proceedings by the applicant inspite of the fact that on earlier occasion the chamber summons for same reliefs was dismissed as withdrawn and a cost of Rs.25,000/- was imposed. I also direct the office of the Prothonotary and Senior Master, High Court to issue show cause notice to applicant no.1 since the others are minor children under s.12(2)(b) of the Contempt of Court Act read with s.215 of the Constitution of India why action of contempt of court should not be initiated against the applicant for indulging in frivolous proceedings in this court. The office is directed to issue notice within a period of two weeks from today.

3. Show cause notice is made returnable on 7.7.2005.

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